IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15442 of 2007(L)

OS.697/2006 of PRL.M.C.,TRIVANDRUM
.....

PETITIONER:

MARY TISSAN @ MINI TISSAN,
W/O.TISSAN JOSEPH THACHANKARY
WILLINGTON ENCLAVE, THEVARA,
ERNAKULAM, COCHIN - 15.

BY ADV. SRI.K.K.M.SHERIF
SRI.P.A.MOHAMMED ASHROF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL

RESPONDENTS:

K.KRISHNANKUTTY, S/O.KUNJAN, KRISHNA
VADAKKEVILAKAM ANAYARA, THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.15442 OF 2007

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Dated this the 24th day of May, 2007

JUDGMENT

This writ petition is preferred to quash the order passed by the Prl.Munsiff, Thiruvananthapuram in I.A.No.1792/2007 in O.S.No.697/2006. The said application was filed for summoning some documents from the court itself. Learned Munsiff held that certified copies are available, if applied properly and therefore there is no necessity to summon the documents. It is an established principle that when the copies of the documents were available and Rule 120 of the Civil Rules of Practice prescribes a procedure for that. Secondly even if the petitioner is not a party she can apply as a third person for permission to get certified copy of the documents. So, it is incumbent on the writ petitioner to apply for a copy and try to obtain it. In case she fails to obtain the same on account of the technical reasons or other, then her right is preserved for moving the court again for summoning the documents. In order to enable the writ petitioner to obtain copies, the learned Munsiff is directed to defer the trial of the case by

two months.

With the above observation, the writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-